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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/647,284	08/26/2003	Takato Handa .	60188-636	2659	
75	05/19/2004		EXAMINER		
Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY			BREWSTER, WILLIAM M		
600 Thirteenth	Street, N.W.		ART UNIT	PAPER NUMBER	
Washington, D	C 20005-3096		2823		
			DATE MAILED: 05/19/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s)** O ☐ Notice of Draffsperson's Patent Drawing Review (PTO-948) D ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date @82603. **Objected to by the Examiner. D ☐ Interview Summary (PTO-413)- Paper No(s)/Mail Date @82603. **Objected to by the Examiner. D ☐ Interview Summary (PTO-413)- Paper No(s)/Mail Date @82603. **Objected to by the Examiner. D ☐ Interview Summary (PTO-152) D ☐ Notice of Informal Patent Application (PTO-152) D ☐ Notice of Informal Patent Application (PTO-152) D ☐ Other:		Applicati n No.	Applicant(s)	
William M. Brewster 2923 Period for Reply		10/647,284	HANDA ET AL.	
- The MAILING DATE If this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercision of internative an available under the provisions of 3 CFR 1.136(a). In one went, however, may a rusyly be timely flied the period for may be specified above a less than thery (50) etcys, a reply within the stability minimum of thirty (33) days will be considered timely. If the period for may be specified above a less than thery (50) etcys, a reply within the stability minimum of thirty (33) days will be considered timely. If the period for may be specified above a less than thery (50) etcys, a reply within the stability minimum of theiry (33) days will be considered timely. If the period for may be specified above a less than thery (50) etcys, a reply within the stability minimum of theiry (33) days will be considered timely. If the period for may be specified above a less than thery (50) etcys, and the specified the days of the communication. A prior the specified the specified the specified of the schore communication. The specified time application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims A) Claim(s) 1.2 is/are pending in the application. A) Claim(s) 1.2 is/are allowed. Claim(s) 3.2 and 2.9 is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on	Office Action Summary	Examiner	Art Unit	<u></u>
A SHORTEND STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estimators of torm may be sensible used the provision of 37 CFR 1136(a). In or event, however, may a reply be timely filled after SIX (6) MONTHS from the making date of this communication. If the period or may be specified above, the maintaine statutory period will apply and will explet SIX (6) MONTHS from the making date of this communication. If the period or may be specified above, the maintaine statutory period will apply and will explet SIX (6) MONTHS from the making date of this communication. If the period of may be specified above, the maintaine statutory period will apply and will explet SIX (6) MONTHS from the making date of this communication. If the period of the period of the period will apply and will explet SIX (6) MONTHS from the making date of this communication, and the period will apply and will explet SIX (6) MONTHS from the making date of this communication. If the period will be period of the second will be period will apply and will explet SIX (6) MONTHS from the making date of this communication. If the period will be period will be period will apply and will be considered time. If the making will be period will be period will be period will apply and will be considered time. If the period will be per		William M. Brewster	2823	p~
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1) Responsive to communication(s) filed on 26 August 2003. 2a	earned patent term adjustment. See 37 CFR 1.704(b).	nailing date of this communication, even if ti	mely filed, may reduce any	
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DETAILED ACTION

Specification

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because of a sampling of the following errors:

- p. 11, line 25, word after "0.15" is illegible,
- p. 12, line 20, "layer51" should have a space to separate the two words,
- p. 13, line 13, second word is illegible.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and (c)

Claim Objections

Claims 1, 8 are objected to because of the following informalities:

claim 1, line 3, replace "gateeletctode" with --gate electrode-
claim 8, line 10, replace "thesemiconductor" with --the semiconductor-
Appropriate correction is required.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al., U.S. Patent No. 5,518,941.

Lin anticipates a method for fabricating a semiconductor device, the method comprising the steps of:

- a) in fig. 4, forming a gate insulating film 32 and a gate electrode 61 over a first transistor region defined in a semiconductor substrate 20;
- b) forming, on the semiconductor substrate, a hard mask 38 having an opening for exposing the first transistor region therein, after the step a) has been performed, wherein forming part of the masking layer is forming layer 70, col. 3, line 42 col. 4, line 2;

limitations from claim 4: wherein the hard mask is one out of a BPSG film, a PSG film and a silicon nitride film: silicon nitride, col. 3, lines 17-41; c) in fig. 5, implanting an impurity into the semiconductor substrate in the manner of large-angled-tilt ion implantation 52, using the gate electrode and the hard mask as a mask for ion implantation, col. 3, line 42 - col. 4, line 2; and

limitations from claim 2: wherein in the step b), the thickness of the hard mask and the width of the opening of the hard mask are defined such that

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the impurity reaches a region 42 under the gate electrode during the largeangle-tilt ion implantation in the step c);

d) in fig. 7, removing the hard mask, after the step c) has been performed, col. 4, lines 3-23.

Allowable Subject Matter

Claims 3, 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8, lines 6-10 cannot be found in the prior art of record.

Claim 9 is objected to, as claim 8 is not in allowable form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Brewster whose telephone number is 571-272-1854. The examiner can normally be reached on Full Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

William M. Brewster

Art Unit: 2823

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

14 May 2004

WB